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10/766,972	01/29/2004	Edward A. Hubbard	08-1728-US-DIV	4334
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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			COX, NATISHA D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/766,972	Applicant(s) HUBBARD ET AL.
	Examiner NATISHA COX	Art Unit 2448

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 July 2009.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-53 is/are pending in the application.
- 4a) Of the above claim(s) 23,27,29,35,39 and 42-53 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 18-22,24-26,28,30-34,36-38,40,41 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to the amendments of application 10/766972 filed on 07/01/09.

Claims 23, 27,29,35,39 and 42-53 are canceled.

Claims 18-20,22,24-26,28,30-32,36-38,40 and 41 have been amended.

No new claims have been added.

Claims 18-22,24-26,28,30-34,36-38,40 and 41 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18, 19, 24, 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout et al (US Patent No. 6,463,457 referred herein after as Armentrout) and further in view of Ian Govett (US Patent No. 5,761,507 referred herein after as Govett).

As per claim 18, a method of operating a distributed processing system to provide data conversion services, comprising:

receiving a request from a requesting device (Armentrout, col. 5 line 2-3);
and providing to a massively parallel distributed network (MPDN) server pertinent information (Armentrout, col. 5 line 9- 12; job characteristics), *to enable the MPDN server to distribute (i) the requested data and (ii) the pertinent information to one or more client systems to complete requested task* (Armentrout, col. 5 line 64-66),

Armentrout does not disclose wherein the pertinent information is at least one of (i) a type of the requesting device, and (ii) an identification of the requesting device.

However, Govett discloses wherein the pertinent information is at least one of (i) a type of the requesting device, and (ii) an identification of the requesting device (Govett, col. 8 line 3- 5).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Govett's teaching of client/server architecture into Armentrout's teaching of utilization of networked idle computational processing power because one of the ordinary skill in the art would have been motivated to communicate the result of the request processing directly to the requesting client.

Neither Armentrout nor Govett discloses a data conversion of requested data.

However, it is clear that a data conversion of requested data is just a description of the task to be completed and it would have been obvious to one of the ordinary skill in the art at the time the invention was made to include data

conversion as a task to be distributed because one of the ordinary skill in the art would have been motivated to improve the efficiency of processing request by distributing request or data conversion request among multiple computers.

As per claim 19, claim 18 is incorporated and Armentrout further discloses sending a software agent to at least one of the one or more client systems for completing the data conversion of the requested data (Armentrout, col. 5 line 65-66).

As per claim 24, claim 18 is incorporated and Armentrout does not discloses Govett further discloses enabling at least one of the one or more client systems to communicate a completed data conversion result directly to the requesting device.

However, Govett discloses enabling at least one of the one or more client systems to communicate a completed data conversion result directly to the requesting device (Govett, col. 7 line 39- 42).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Govett's teaching of client/server architecture into Armentrout's teaching of utilization of networked idle computational processing power because one of the ordinary skill in the art would have been motivated to communicate the result of the request processing directly to the requesting client.

As per claim 26, claim 18 is incorporated and Armentrout further disclose comprising allocating at least one of the one or more client systems to perform data conversion of requested data for requesting devices as with priority over other processing the one or more client systems may perform (Armentrout, col. 5 line 49-50, col. 11 line 36- 40);

As per claim 28, claim 18 is incorporated and Armentrout further discloses wherein distributing the requested data and the pertinent information depends upon capabilities of the one or more client systems (Armentrout, col. 3 line 6- 12).

3. Claims 20, 21, 25, 30- 33, 36- 38, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout, Govett and further in view of Kraft et al (US Patent No. 6,112,225 referred herein after as Kraft).

As per claim 20, claim 18 is incorporated and neither Armentrout nor Govett discloses further receiving one or more completed data conversion results from at least one of the one or more client systems; and assembling the one or more completed data conversion results thereby generating a converted data set corresponding to the requested data.

However, Kraft discloses receiving one or more completed data conversion results from at least one of the one or more client systems (Kraft, col. 2 line 35; col. 7 line 57-58); ***and assembling the one or more completed data conversion results thereby generating a converted data set corresponding to the requested data*** (Kraft, col. 2 line 42-44; col. 7 line 59- 61).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Kraft's teaching of task distribution into Armentrout's and Govett's teaching because on of the ordinary skill in the art would have been motivated to compile or modify the results to provide a comprehensive output.

As per claim 21, claim 20 is incorporated and Armentrout further discloses sending the converted data set to the requesting device (Armentrout, col. 5 lines 19- 21).

As per claim 25, claim 24 is incorporated and neither Armentrout nor Govett discloses wherein the requesting device receiving the results of the N partitioned data conversion workloads assemblies the results into a converted data set corresponding to the data set.

However, Kraft discloses wherein the requesting device receiving the results of the N partitioned data conversion workloads assemblies the results into a converted data set corresponding to the data set (Kraft, col. 7 lines 57- 61).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Kraft's teaching of task distribution into Armentrout's and Govett's teaching because on of the ordinary skill in the art would have been motivated to compile or modify the results to provide a comprehensive output.

As per claim 30, distributed processing system to provide data conversion services, comprising:

a massively parallel distributed network (MPDN) server configured to be coupled to distributed devices (Armentrout, Fig. 1), wherein the distributed devices perform workloads for the distributed processing system (Armentrout, col. 2 line 40- 60);

circuitry coupled to the MPDN server for receiving a workload and pertinent information (Armentrout, col. 5 line 9- 12), , and wherein the workload is generated by receiving a request from the requesting device (Armentrout, col. 5 line 2- 3); wherein the pertinent information is at least one of(i) a type of a requesting device, and (ii) an identification of the requesting device (Govett, col. 8 line 3- 5).

Armentrout nor Govett discloses circuitry coupled to the MPDN server for partitioning the workload into partitioned data conversion workloads, and circuitry coupled to MPDN server for distributing the partitioned workloads to the distributed devices to complete a data conversion of the data set.

However, Kraft discloses circuitry coupled to the MPDN server for partitioning the workload into partitioned data conversion workloads (Kraft, col. 7 line 9- 10), and circuitry coupled to MPDN server for distributing the partitioned workloads to the distributed devices to complete a data conversion of the data set (Kraft, col. 7 line 29- 31).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Kraft's teaching of task distribution into Armentrout's and Govett's teaching because on of the ordinary skill in the art would have been motivated to efficiently complete the workload by spreading the load among multiple computers.

The combination of Armentrout, Govett and Kraft does not disclose a data conversion.

However, it is clear that a data conversion is just a description of the workload to be completed and it would have been obvious to one of the ordinary skill in the art at the time the invention was made to include data conversion as a workload to be distributed because one of the ordinary skill in the art would have been motivated to improve the efficiency of processing request by distributing request or data conversion workloads among multiple computers.

As per claims 31- 33, 36- 38 and 40, they are the system claims, corresponding to and does not teach or define any new limitations, above claims 18- 21, 24- 26 and

28. Therefore, claims 31, 33, 36- 38 and 40 are rejected under the same reason set forth in connection with the rejection of claims 18- 21, 24- 26 and 28 above.

As per claim 41, claim 40 is incorporated and Armentrout discloses wherein the partitioned workloads are allocated to the distributed devices on a size basis wherein ones larger of the partitioned workloads are allocated to corresponding ones of the distributed devices with larger workload capability factors (Armentrout, col. 11 line 29- 31).

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout, Govett and further in view of Britt et al (US Patent No. 6,742,038 referred herein after as Britt).

As per claim 22, claim 18 is incorporated and Armentrout nor Govett discloses wherein the requesting device is a wireless device and the data conversion of the data set reformats a content of a network site generating a reformatted content so that the reformatted content conforms to a protocol of the wireless device .

However, Britt discloses wherein the requesting device is a wireless device (Britt, col. 1 lines 63- 64) and the data conversion of the data set reformats a

content of a network site generating a reformatted content so that the reformatted content conforms to a protocol of the wireless device (Britt, col. 5 lines 45- 46).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Britt's teaching of access to a server by a wireless device into Armentrout and Govett's teaching because on of the ordinary skill in the art would have been motivated to communicate data to a wireless device.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Armentrout, Govett, Kraft and further in view of Britt et al (US Patent No. 6,742,038 referred herein after as Britt).

As per claim 34, claim 30 is incorporated and Armentrout nor Govett nor Kraft discloses wherein the requesting device is a wireless device and the data conversion of the data set reformats a content of a network site generating a reformatted content so that the reformatted content conforms to a protocol of the wireless device .

However, Britt discloses wherein the requesting device is a wireless device (Britt, col. 1 lines 63- 64) and the data conversion of the data set reformats a content of a network site generating a reformatted content so that the reformatted content conforms to a protocol of the wireless device (Britt, col. 5 lines 45- 46).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Britt's teaching of access to a server by a wireless device into Armentrout, Govett and Kraft's teaching because on of the ordinary skill in the art would have been motivated to communicate data to a wireless device.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natisha Cox whose telephone number is (571) 270-7167. The examiner can normally be reached on Monday to Thursday and every other Friday, 6:30am - 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/NATISHA COX/
Examiner, Art Unit 2448
11/2/2009*

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